

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

SUBHASH KONGASSERY,

Defendant.



Case No. 1:24-CR-0001-LMB

STATEMENT OF FACTS

The United States and the defendant, SUBHASH KONGASSERY (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about October 22, 2023, the defendant was a passenger aboard Air India flight #103 (AI Flight #103), an aircraft in flight within the special aircraft jurisdiction of the United States, on a nonstop flight from Delhi, India to Washington Dulles International Airport (IAD), in the Eastern District of Virginia.

2. At the time of the conduct at issue in this case, AI Flight #103 was airborne with all external doors closed and thus was an "aircraft in flight" as that phrase is defined in Title 49, United States Code, Section 46501(1)(A). AI Flight #103 was also a "civil aircraft of the United States" as that phrase is defined in Title 49, United States Code, Section 46501(2)(A).

3. After a few hours into the flight, Defendant did knowingly and intentionally touch the breast of V-1, an adult female, through her clothing, with an intent to arouse and gratify his sexual desire without V-1's consent, to wit: Defendant grabbed V-1's breast with his hand and rubbed her nipple through her clothing.

4. Defendant also touched V-1's inner thigh through her clothing on two separate occasions with an intent to arouse and gratify his sexual desire without V-1's consent during the same flight.

5. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

6. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

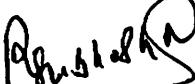
Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: Jan. 31, 2024.

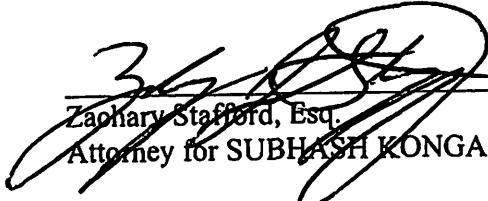
By: Alessandra P. Serano
Alessandra P. Serano
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, SUBHASH KONGASSERY, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



SUBHASH KONGASSERY

I am Zachary Stafford, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Zachary Stafford, Esq.
Attorney for SUBHASH KONGASSERY